

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 03-2415**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

S. M. OLIVA,

Party in Interest - Appellant,

versus

MOUNTAIN HEALTH CARE, P.A.,

Defendant - Appellee.

---

Appeal from the United States District Court for the Western  
District of North Carolina, at Asheville. Graham C. Mullen, Chief  
District Judge. (CA-02-288-1)

---

Submitted: March 31, 2004

Decided: May 3, 2004

---

Before LUTTIG, MICHAEL, and GREGORY, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

S. M. Oliva, Appellant Pro Se. Catherine Griffith O'Sullivan,  
Steven Jeffrey Mintz, U. S. DEPARTMENT OF JUSTICE, Washington,  
D.C., for Appellee United States.

---

Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

This appeal arises from the Government's civil antitrust complaint against Mountain Health Care, P.A. That case resulted in the dissolution of Mountain Health Care. The district court granted Oliva leave to intervene for purposes of appeal. Oliva challenges the Government's compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (2000) (the Tunney Act), but he does not challenge the terms of the final judgment itself.

We conclude Oliva has not shown he has suffered an invasion of a legally protected interest that is both concrete and particularized, rather than an interest shared by the public at large. See Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 (1992). Accordingly, he cannot establish that he has standing to bring this appeal. We therefore dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED